LAW SECRETARIAT

Report on the Administration of Criminal Justice in Mysore for the year 1938-39.

READ—

Correspondence ending with letter No. Roc. P. 37—38-39, dated 30th November 1939, from the Registrar, High Court of Mysore, forwarding the Report on the Administration of Criminal Justice in Mysore, for the year 1938-39.

ORDER No. P. 6712-21—CTS. 112-39-6, DATED BANGALORE, THE 11TH APRIL 1940.

Recorded.

2. The number of courts exercising original jurisdiction during the year under review was 69, excluding the courts of the *ex-officio* Magistrates but including 13 Benches of Magistrates and 7 Justices of the Peace.

3. *Magisterial Work*:—The Stipendiary Magistrates other than District Magistrates disposed of 26,405 cases in respect of 38,645 persons during the year under review against 26,232 cases regarding 39,153 persons in the previous year. The number of cases left pending in the courts of these Magistrates, however, rose from 2,021 in the previous year to 2,505 in the year under review.

Benches of Honorary Magistrates had before them 3,807 cases regarding 5,234 persons against 3,149 cases in respect of 4,292 persons in the previous year. They disposed of 3,426 cases regarding 4,410 persons against 2,757 cases regarding 3,625 persons in the previous year. The number of cases left pending was 381 against 392 in the previous year.

No case was left pending at the end of the year under review in the courts of the District Magistrates.

4. *Average Duration*:—It is satisfactory to note that there was an allround reduction in the average duration of criminal trials in the Courts of Magistrates (District Magistrates, Stipendiary Magistrates and Bench Magistrates).

5. *Cases Over Six Months Old*:—Government are constrained to observe that the number of cases over six months old left pending at the end of the year rose to 336 from 256, the number at the end of the previous year. In the Bangalore District alone, there were as many as 201 such cases. Government desire to impress upon the attention of the District Magistrates the importance of their exercising closer supervision over the work of the Magistrates subordinate to them so as to ensure promptness in the disposal of old cases and to see that no case is allowed to drag on for over six months unless it be for unavoidable causes. The observations of the High Court regarding the large number of old cases under the Irrigation Act before the Amildar-Magistrate, Hoskote, awaiting orders of withdrawal will be brought to the notice of the concerned administrative authorities.

6. *Miscellaneous Proceedings in the Courts of Magistrates*:—There was a slight decrease in the number of miscellaneous proceedings before Magistrates' Courts, *viz.*, 1,032 concerning 2,413 persons against 1,215 concerning 2,766 persons in the previous year. The largest number of cases related as before to disputes regarding immovable property (Chapter XII, Code of Criminal Procedure), namely, 274 cases concerning 1,233 persons against 300 cases concerning 1,120 persons in the previous year. Though there was a slight decrease in the number of cases instituted by private parties regarding immovable property, the number (138) is still high. As the High Court has observed, the Magistrates concerned should realise the desirability of preventing parties from abusing the preventive provisions of the Code of Criminal Procedure for purposes of civil disputes.

7. *Juvenile Offenders*:—There was a slight decrease in the number of juvenile offenders brought before Magistrates' Courts, *viz.*, 271 against 281 in the previous year. Notwithstanding the reduction in the number of such offenders imprisoned, namely, 63 as against 80 in the previous year, the number is still high.

8. *Sessions Work*:—There was an increase in the number of Sessions cases which came up for disposal during the year under review, *viz.*, 128 cases involving 311 persons, against 108 cases involving 248 persons in the previous year. Though there was an increase in the number of cases disposed of (107 against 101 in the previous year), the number of cases pending at the end of the year was 19 as against 7 in the previous year. The increase in the number of cases pending is reported to be due partly to the large number of institutions in the Bangalore Division, *viz.*, 66 as against 36 in the previous year. The average duration also increased both in the Mysore and Shimoga Divisions.

9. *Appeals*:— The appellate work in the Sessions Courts continued as usual to be very heavy. Five hundred and forty-four appeals preferred by 724 persons (against 559 appeals by 708 persons) were before Sessions Judges and 489 of such appeals by 583 persons were disposed of, leaving a balance of 55 cases preferred by 141 persons. The average duration of appeals disposed of by Sessions Judges was 41·1 days against 40·4 days in the previous year. It is gratifying to note that there was an appreciable reduction in the average duration in the Bangalore Division, *viz.*, 16·2 days as against 36·4 days in 1937-38 and 125·5 days in 1936-37. There was a slight increase in the number of appeals before the Magistrates (198 against 190 in the previous year) with the corresponding increase in the disposal of such appeals in the courts of Magistrates. The average duration of appeals disposed of in these courts was 30·3 days as against 30·9 days in the previous year.

10. *High Court*:—Out of 39 appeals for disposal, the High Court disposed of 38 appeals, leaving a balance of one appeal pending at the end of the year. The average duration of the appeals disposed of by the High Court during the year under review was shorter than during the preceding years, *viz.*, 26·44 days as against 29·51 days in 1937-38 and 37·48 days in the year 1936-37.

11. *Inspections*:—The District Magistrates of Districts inspected all the subordinate criminal courts in their districts except the courts of *ex-officio* First Class Magistrates of Bangalore, Dodballapur, Gubbi and Tumkur. The Judges of the High Court inspected all the Sessions Courts and twelve Magistrates' Courts, (seven District Magistrates' Courts and five Special Magistrates' Courts) during the year.

Government are glad to note that the disposal of work in Magistrates' Courts was generally more prompt than in the previous years. In the Sessions Courts also there was an appreciable improvement in the number of cases disposed of.

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